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 31 || **IN THE UNITED STATES DISTRICT COURT**
 32 || **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

33 SONYA RENEE, et al.,	34)	35 Civil Action No. 3:07cv4299
36 Plaintiffs,	37)	38
39 v.	40)	41 PARTIES' STIPULATION
42 MARGARET SPELLINGS, et al.,	43)	44 EXTENDING TIME FOR
45 Defendants.	46)	47 DEFENDANTS TO FILE A
	48)	49 REPLY IN FAVOR OF THEIR
	50)	51 CROSS MOTION FOR
	52)	53 SUMMARY JUDGMENT

54 ||
 55 || Pursuant to Fed. R. Civ. P. 6 and Local Civil Rule 6(b), the parties stipulate that the
 56 || deadline for defendants to file a reply in favor of their cross motion for summary judgment
 57 || [docket no. 59] should be extended by two days to include Friday, April 4, 2008.

1 1. On January 11, 2008, the Court entered an order [docket no. 49] setting a
2 briefing schedule for the parties' cross motions for summary judgment and setting a hearing
3 date of Wednesday, April 23, 2008, at 9:00 am. The last brief scheduled is defendants' reply in
4 support of their cross motion for summary judgment. The Court set the deadline for defendants
5 to file their reply on Wednesday, April 2, 2008.

6 2. Defendants request a two-day extension in that deadline to Friday, April 4, 2008,
7 because Ms. Sheila Lieber, supervisor of the undersigned lead counsel for defendants, was out
8 of the country from March 21 - March 28, and, upon her return to the office on Monday, March
9 31, 2008, had many pressing deadlines including a motion to dismiss and a motion for summary
10 judgment due April 1, as well as the April 2 deadline for defendants to file a reply in this case.
11 In addition, Mr. Richard Mellman, counsel with the Department of Education, was out of the
12 country beginning Thursday evening, March 20, and did not return to his office until Monday,
13 March 31. Defendants in good faith attempted to meet the April 2 deadline despite these
14 absences, but have been unable to do so. Because plaintiffs challenge an important regulation
15 implementing the No Child Left Behind Act and seek a nationwide injunction against
16 enforcement of that regulation, this case presents an important question affecting national
17 education policy. Defendants contend that it is therefore in the public's interest that defendants
18 have sufficient time to present the government's defense. Defendants also contend that
19 defendants' request for a two day extension will further that interest.

20 3. This request will not affect the schedule for this case. Defendants' reply brief is
21 the last scheduled. Accordingly, this extension will not affect the filing of any other briefs, and
22 defendants contend the extension will not prejudice the plaintiffs. Further, defendants do not
23 request that the Court move the hearing scheduled for April 23, 2008, and the requested
24 extension is very brief.

25 4. No other modifications to the briefing schedule have been requested by either
26 party, nor entered by the Court.

27 5. Plaintiffs do not oppose this extension provided the extension does not affect the
28

1 schedule for this case and the April 23, 2008, hearing date, given: (1) Defendants' lead
2 counsel's unavailability for a April 30, 2008, hearing date and jury duty beginning May 7, 2008,
3 and (2) Plaintiffs' desire to afford the Court as much time as possible to decide the dispositive
4 motions prior to the start of a new school year in California on July 1, 2008.

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6 FOR THE PLAINTIFFS:

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Dated: April 2, 2008

/s/ signed with authorization - see Attestation
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2 Dated: April 2, 2008

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16 **ORDER**

17 PURSUANT TO STIPULATION, AND GOOD CAUSE SHOWN, IT IS SO ORDERED.

18 Dated: 4/3/08

19 By: _____

